

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

**FILED****MAY 31 2022****UNITED STATES DISTRICT COURT**

for the

Northern District of California

San Francisco Division

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA**CV 22****3174****DMR**

Case No.

*(to be filled in by the Clerk's Office)*

Cory A. Horton, Sr

*Plaintiff(s)**(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)***-v-**Brian Cauley, David Chiu, Dena Narbaitz, Maria  
Mabutas, Halie Albert, Rachel Gardunio, Michael  
Carlin, Rick Nelson, Ronald Flynn, Greg Norby,  
Cameron Pearson, Carol Isen, Dennis Herrera,  
Barbara Hale, Steve Ritchie, Alan Johanson, Steven  
Tang, Jennefer Burke*Defendant(s)**(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)*Jury Trial: *(check one)* ☒ Yes ☐ No**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS****(Non-Prisoner Complaint)****NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Cory A. Horton, Sr		
Address	1500 Karen Dr		
	Benicia	CA	94510
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Solano		
Telephone Number	4156109094		
E-Mail Address	hortoncory@ymail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	Brian Cauley		
Job or Title <i>(if known)</i>	Assistant Chief of Claims		
Address	1390 Market St, 7 <sup>th</sup> floor		
	San Francisco	Ca	94102
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	San Francisco		
Telephone Number	4155543884		
E-Mail Address <i>(if known)</i>	brian.cauley@sfcity.org		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 2

Name	David Chiu		
Job or Title <i>(if known)</i>	City Attorney		
Address	City Hall, Room 234 1 Dr. Carlton B. Goodlett Pl.		
	San Francisco	CA	94102
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	San Francisco		
Telephone Number	4155543989		

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E-Mail Address *(if known)*

cityattorney@sfcityatty.org

☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Dena Narbaitz

Job or Title *(if known)*

EEO Programs Senior Specialist

Address

525 Golden Gate Ave

San Francisco

Ca

94102

City

State

Zip Code

County

Solano

Telephone Number

415-816-7012

E-Mail Address *(if known)*

dnarbaitz@sflower.org

☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Steven Tang

Job or Title *(if known)*

EEO Programs Manager,

Address

525 Golden Gate Ave

San Francisco

Ca

94102

City

State

Zip Code

County

Solano

Telephone Number

628-207-2637

E-Mail Address *(if known)*

smtang@sflower.org

☒ Individual capacity ☒ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Denial of due process, denial of equal protection, denial of equal opportunity and the ability to be heard before an impartial court of law as every person is entitled by the United States Constitution.

## Defendant No. 1

Name	Rick Nelson
Job or Title <i>(if known)</i>	Facility Director
Street Address	525 Golden Gate Ave 13 <sup>th</sup> Floor
City and County	San Francisco Ca
State and Zip Code	94102
Telephone Number	(415) 554-1616
E-mail Address <i>(if known)</i>	rnelson@sfgwater.org

## Defendant No. 2

Name	Robert Flynn
Job or Title <i>(if known)</i>	Chief of Staff
Street Address	525 Golden Gate Ave 13 <sup>th</sup> Floor
City and County	San Francisco, Ca
State and Zip Code	94102
Telephone Number	415-551-3000
E-mail Address <i>(if known)</i>	rflynn@sfgwater.org

## Defendant No. 3

Name	Greg Norby
Job or Title <i>(if known)</i>	Assistant GM
Street Address	525 Golden Gate Ave 13 <sup>th</sup> floorSan Francisco, CA 94103
City and County	San Francisco
State and Zip Code	California 94102
Telephone Number	(415) 551-3000
E-mail Address <i>(if known)</i>	gnorby@sfgov.org

## Defendant No. 4

Name	Cameron Pearson
Job or Title <i>(if known)</i>	EEOC Specialist
Street Address	525 Golden Gate Ave
City and County	San Francisco
State and Zip Code	California 94102
Telephone Number	(415) 551-3000
E-mail Address <i>(if known)</i>	cpearson@sfgwater.org

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## Defendant No. 1

Name	Maria Mabutas
Job or Title <i>(if known)</i>	Facility Director
Street Address	525 Golden Gate Ave 13 <sup>th</sup> Floor
City and County	San Francisco Ca
State and Zip Code	94102
Telephone Number	(415) 554-1583
E-mail Address <i>(if known)</i>	mmabutas@sfgwater.org

## Defendant No. 2

Name	Hallie Albert
Job or Title <i>(if known)</i>	EEOC Program Manager
Street Address	525 Golden Gate Ave 13 <sup>th</sup> Floor
City and County	San Francisco, Ca
State and Zip Code	94102
Telephone Number	415-554-1661
E-mail Address <i>(if known)</i>	halbert@sfgwater.org

## Defendant No. 3

Name	Rachel Gardunio
Job or Title <i>(if known)</i>	Acting Chief People Officer,
Street Address	One South Van Ness Ave., 4th Floor
City and County	San Francisco C
State and Zip Code	California 94102
Telephone Number	(415) 557-4851
E-mail Address <i>(if known)</i>	rqardunio@sfgov.org

## Defendant No. 4

Name	Michael Carlin
Job or Title <i>(if known)</i>	General Manager - COO
Street Address	525 Golden Gate Ave
City and County	San Francisco
State and Zip Code	California 94102
Telephone Number	(415) 551-3000
E-mail Address <i>(if known)</i>	mcarlin@sfgwater.org

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## Defendant No. 1

Name	Dennis Herrera
Job or Title <i>(if known)</i>	General Manager
Street Address	525 Golden Gate Ave 13 <sup>th</sup> Floor
City and County	San Francisco Ca
State and Zip Code	94102
Telephone Number	(415) 551-3000
E-mail Address <i>(if known)</i>	dherrera@sfgov.org

## Defendant No. 2

Name	Barbara Hale
Job or Title <i>(if known)</i>	Assistant GM
Street Address	525 Golden Gate Ave 13 <sup>th</sup> Floor
City and County	San Francisco, Ca
State and Zip Code	94102
Telephone Number	415-551-3000
E-mail Address <i>(if known)</i>	bhale@sfgov.org

## Defendant No. 3

Name	Steve Ritchie
Job or Title <i>(if known)</i>	Assistant GM
Street Address	525 Golden Gate Ave 13 <sup>th</sup> floor San Francisco, CA 94103
City and County	San Francisco
State and Zip Code	California 94102
Telephone Number	(415) 551-3000
E-mail Address <i>(if known)</i>	sritchie@sfgov.org

## Defendant No. 4

Name	Alan Johanson
Job or Title <i>(if known)</i>	Assistant GM
Street Address	525 Golden Gate Ave
City and County	San Francisco
State and Zip Code	California 94102
Telephone Number	(415) 551-3000
E-mail Address <i>(if known)</i>	ajohanson@sfgov.org

## Defendant No. 1

Name	Wendy Macy
Job or Title <i>(if known)</i>	Peoples Manager
Street Address	525 Golden Gate Ave 13 <sup>th</sup> Floor
City and County	San Francisco Ca
State and Zip Code	94102
Telephone Number	(415) 551-3000
E-mail Address <i>(if known)</i>	wmacy@sfwater.org

## Defendant No. 2

Name	Carol Isen
Job or Title <i>(if known)</i>	Human Resources Director
Street Address	
City and County	San Francisco, Ca
State and Zip Code	94102
Telephone Number	415-551-3000
E-mail Address <i>(if known)</i>	Cisen@sfgov.org

## Defendant No. 3

Name	Cameron Pearson
Job or Title <i>(if known)</i>	EEOC Specialist
Street Address	525 Golden Gate Ave 13 <sup>th</sup> floorSan Francisco, CA 94103
City and County	San Francisco
State and Zip Code	California 94102
Telephone Number	(415) 551-3000
E-mail Address <i>(if known)</i>	cpearson@sfgov.org

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	



- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

n/a

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

SFPUC and its employees conspired together to defraud the United States and me its citizen of basic constitutional right via abuse of its authority while acting as public officials. They blatantly impeded state of California labor codes CGC 31721 to deny me due process and to create economic hardships, injuries on me its impaired worker. They failed to provide me equal protections due entitled to protected class and persons with disabilities. They used public influence, acts of bullying, intimidation and harassment to create further harm on me. SFPUC and SF City employees used their authority to collude with local entities, state and federal officials to create injuries on me despite my protected class with impunity. Their actions have contributed to denial of due process, denial of equal protection, denial of equal opportunity and the ability to be heard before an impartial court of law as every person is entitled by the United States Constitution.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

525 Golden Gate Ave San Francisco Ca 94102

- B. What date and approximate time did the events giving rise to your claim(s) occur?

November 30, 2021

- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)



SFPUC and City of San Francisco along with its bad actors employees used its public authority to deny me due process, equal protection established by California CGC 31721. SFPUC and its employees used intimidation, threats, fraud and bullying to create injuries upon me that caused irreparable damages, emotional distress, physical injuries and severe economic hardships. SFPUC and its employees also have committed fraud against the United State of America by using its public authority to blatantly disregarding protections set forward in the United States Constitution to serve its own interest of creating injuries upon me while under color of law. Please see the attached Exhibits and summary complaint for further details.

#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

These events contributed to severe agitation of my existing mental disability, present & future financial security, work injury, physical body & wellbeing. My disability has been furthered by the harass and cruel actions of SFPUC. Furthermore, these events have contributed to significant loss of income, loss of dream job career and ability to return the profession indefinitely. Also, the development of severe new PTSD diagnosis, increased anxiety, marital problems, domestic problems, mental anguish, depression, financial ruin and reinjuries of my physical body. Furthermore, I also ascertained a permanent disability from mental trauma. Loss of retirement, medical, dental, loss of future opportunities, and investment accounts. I'm currently in an intense out patient program for my injuries and trauma. My medical treatment for physical injuries have not been addressed to lack of financial resources.

#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

**Compensatory Damages – \$18,750,000**

- Mental anguish - \$1,000,000 (50K + 20yrs) [27K outpatient 5K Therapist 10K Psychiatrist 5K Treatment 3K Medication]
- Future medical expenses - \$1,000,000 (50K + 20yrs) [27K outpatient 5K Therapist 10K Psychiatrist 5K Treatment 3K Medication]
- Future lost wages - \$5,750,000 (\$150,000 X 25 years + Retirement Pension + Investments)
- Long-term physical pain and suffering - \$2,500,000 (100K + 25yrs)
- Loss of consortium - \$2,000,000 (100K + 20yrs)
- Inconvenience - \$500,000.
- Loss of enjoyment of life - \$2,000,000 (100K + 20 years)
- Loss of opportunity - \$4,000,000 (Real-estate investment + small business + removal from industry)

**Financial Costs, Bills and Special Damages**

Cost of Medical Equipment & treatment, Cost of Medication, Damaged or Lost Property, Expenses Paid Out of Pocket, Hospital Stay, Lost Wages, Medical Bills, Rehabilitation.

**Pain and Suffering – General Damages**

Emotional Turmoil, Disruption of Daily Lifestyle, Loss of Enjoyment, Loss of Consortium, Physical Pain, Recklessness or Gross Negligence (for injuries resulting from another party) and of course, Stress.

Back Pay - \$192,000

Economic Damages -- \$6,247,000 total dollar losses over the course of 45 years (\$138,822 X 45yrs = \$6,247,000)

**TOTAL - \$25,369,000.00**

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5/17/2022

Signature of Plaintiff

Printed Name of Plaintiff

Cory A. Horton, Sr.

**B. For Attorneys**

Date of signing: \_\_\_\_\_